

### **Remarks**

Claims 1, 2, 4 and 6 are pending. Claims 3, 5 and 7-41 have been canceled. Claim 1 has been amended. Importantly, any claim amendments or cancellations should not be construed to be an acquiescence to any of the claim rejections. Rather, any amendments and cancellations are being made solely to expedite the prosecution of the above-identified application. The Applicants expressly reserve the right to further prosecute the same or similar claims in subsequent patent applications claiming the benefit of priority to the instant application. 35 USC § 120.

### **Restriction / Election**

The Applicants affirm the election with traverse to prosecute Group I, claims 1-7. Claims 8-41 have been canceled as reading upon non-elected inventions. Claim 1 has been amended to delete “heteroaryl”, thereby removing all non-elected subject matter.

### **Response to Claim Rejections based on 35 USC § 112 ¶ 2**

Claims 1, 2, 4 and 6 are rejected as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Specifically, the Examiner contends that the values of variable X defined as OTf, OTs, ONf and OMs are indefinite as they are not defined. The Applicants disagree.

The abbreviations cited by the Examiner (Tf, Ts, Nf, and Ms) are explicitly defined in the specification. Specification, page 26, second paragraph, first sentence (“The abbreviations Me, Et, Ph, Tf, Nf, Ts, Ms, and dba represent methyl, ethyl, phenyl, trifluoromethanesulfonyl, nonafluorobutanesulfonyl, *p*-toluenesulfonyl, methanesulfonyl, and dibenzylideneacetone, respectively.”). Given the definitions present in the specification, the Applicants respectfully request the withdrawal of the rejections of claims 1, 2, 4 and 6 based on 35 USC § 112¶2.

### **Response to Claim Rejections based on 35 USC § 102b**

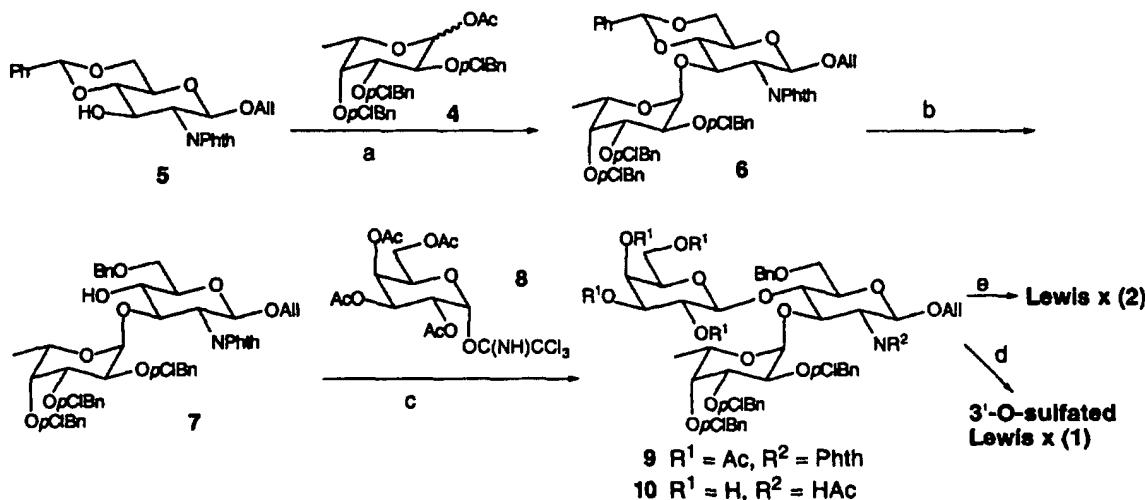
*Goldschmidt*

Claims 1-7 are rejected as being anticipated by Goldschmidt (Goldschmidt, A. "The polymerization of 3,3,3-trifluoropropene and 2-methyl-3,3,3-trifluoropropene." *J. Am. Chem. Soc.* 1951, 73, 2940-2941; the Applicants respectfully point out the request that the author is incorrectly given on the Form PTO-892). Specifically, the Examiner contends that this reference "discloses the products of chlorination of the bromotoluenes" and anticipates the claims when Ar represents phenyl, Z represents Cl or Br, and X represents Cl or Br in the instant compounds of formula 50.

Solely in order to expedite prosecution, the Applicants have amended claim 1 to remove Cl and Br from the Markush group which defines X. The Applicants have also canceled claims 3, 5 and 7 as they required X to be Cl or Br. By removing Cl and Br from the Markush group of X, chlorinated and brominated chlorotoluenes, and chlorinated and brominated bromotoluenes, no longer fall within the scope of the claims. Therefore, the Applicants respectfully request the withdrawal of the § 102(b) rejections of claims 1-7 based on Goldschmidt.

Pohl et al.

Claims 1, 2, 4 and 6 are also rejected as being anticipated by Pohl *et al.* (Pohl, N. L; Kiessling, L.L. "Para-chlorobenzyl protecting groups as stabilizers of the glycosidic linkage: synthesis of the 3'-*O*-sulfate lewis X trisaccharide." *Tetrahedron Lett.* 1997, 38(40), 6985-6988). Specifically, the Examiner contends that compounds 4, 6, 7, 9, and 10 disclosed by Pohl anticipate the instant claims ("where Ar represents phenyl, Z represents Cl and X represent O"). Scheme I from Pohl, wherein compounds 4, 6, 7, 9, and 10 are shown, is copied below.



As shown in Scheme I, compounds **4**, **6**, **7**, **9**, and **10** do not have X equal to I, OTf, OTs, ONf, OMs as required by amended claim 1. In fact, for compounds **4**, **6**, **7**, **9** and **10**, X is O-sugar. Since these compounds fall outside the scope of the claims they do not anticipate the claims. Therefore, the Applicants respectful request the withdrawal of the rejections of claims 1, 2, 4 and 6 based on Pohl.

**Response to Rejections Based on the Judicially-Created Doctrine  
of Obviousness-Type Double Patenting**

Claims 1, 2, 4 and 6 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 of U.S. Patent No. 6,693,178 ("the '178 patent"). The Applicants respectfully request that the Examiner hold in abeyance all obviousness-type double patenting rejections based on the '178 patent until allowable subject matter is indicated, at which point the Applicants will file a terminal disclaimer if necessary.

**Conclusion**

In view of the above amendments and remarks, it is believed that the pending claims are in condition for allowance. If a telephone conversation with Applicants' Attorney would expedite prosecution of the above-identified application, the Examiner is urged to contact the undersigned at (617) 832-1000.

Respectfully submitted,  
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